

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL A. JACKSON, ) CASE NO.: C08-1059-JLR-MAT  
Petitioner, )  
v. ) ORDER DENYING PETITIONER'S  
PAT GLEBE, et al., ) MOTION FOR RELEASE  
Respondents. )  
\_\_\_\_\_  
 )

Petitioner has filed a motion for “temporary release” pending consideration of petitioner’s petition for a writ of habeas corpus. (Dkt. No. 14). The Court, having considered petitioner’s motion and the balance of the record, does hereby ORDER:

(1) Release pending a decision in a habeas case is reserved for extraordinary cases involving special circumstances or a high probability of success. *Land v. Deeds*, 878 F.2d 318, 319 (9th Cir. 1989), *citing Aronson v. May*, 85 S. Ct. 3, 5 (1964). In his motion, petitioner states that prison officials have used excessive force against him, perhaps in retaliation for his filing this habeas petition. (Dkt. No. 14 at 1). Petitioner is advised that the proper means for him to assert a claim of excessive force is through the filing of a civil rights action pursuant to 42 U.S.C. § 1983. Because petitioner has not shown that his pending habeas petition presents either special circumstances or a high probability of success, his motion for release (Dkt. No. 14) is DENIED.

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01 (2) The Clerk shall direct a copy of this Order to petitioner and counsel for respondent.

02 DATED this 25th day of September, 2008.

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04 Mary Alice Theiler  
05 United States Magistrate Judge